

Emergency Beer Board Regulation #3

In response to the Declaration of Public Health Emergency (the “Declaration”) made by the Metropolitan Board of Health of Nashville and Davidson County (the “Board of Health”) on March 15, 2020, the Metropolitan Beer Permit Board (the “Beer Board”) takes this action to enact this Emergency Beer Board Regulation during the period of Declaration or any subsequent public health emergency declaration by the Board of Health (the “Public Health Emergency”):

Whereas, the Board of Health declared a Public Health Emergency because COVID-19; and

Whereas, the Declaration has modified the operation of establishments holding on-sale beer permits; and

Whereas, the Declaration and underlying Public Health Emergency has had a significant detrimental impact on the business of beer permit holders and their employees in Metropolitan Nashville and Davidson County.

Now, therefore, the Beer Board, after consultation with Mayor John Cooper, does hereby declare the following:

1. This emergency Regulation applies to existing holders of permits of “on” or “on/off” sale permits (a “Permittee) issued by the Beer Permit Board. This Regulation does not apply to holders of off-sale permits.
2. Beer Board Regulation 3.05 continues to be suspended.
3. Subject to all federal, state and local laws, a Permittee holding an “on” or “on/off” sale permit may make off-premise sales and deliver beer subject to this emergency Regulation.
4. Prior to any off-premises sales being conducted, the Permittee must request a temporary “on/off” sales permit by contacting the Beer Board staff via e-mail at beerboard@nashville.gov and provide the following information:
 - Name of the Permittee
 - Physical Address of the Permittee
 - E-mail Address
 - Phone Number
 - On or on/off Premise Beer Permit Number
5. Upon providing the information in Section 4, the Executive Director of the Beer Board may issue one or more 30 day temporary “on/off” sales permits to make off-premise sales and deliver beer pursuant to this emergency Regulation and subject to any applicable federal, state, and local laws. The permission may be granted by reply e-mail in the address supplied in Section 4.
6. The permission granted by the staff shall not exceed 30 days, but may be renewed for additional 30 day periods until the Public Health Emergency has concluded or this emergency Regulation has been further amended by the Beer Board. Unless extended by the Beer Board or terminated

under the previously mentioned conditions, this Emergency Regulation shall be effective until October 31, 2020.

7. Only employees of the Permittee may deliver beer.
8. Employees conducting deliveries must be at least 21 years of age.
9. At the point of delivery, the employee conducting the delivery must inspect the purchaser's valid identification to determine whether the purchaser is an adult and is not intoxicated, pursuant to T.C.A. § 57-5-301(a)(1).
10. The Permittee shall be strictly liable for all sales to persons under the age of 21 or to intoxicated persons, pursuant to Tennessee state law.
11. Beer to be delivered must be in commercially sealed containers.
12. While off-premise delivery and sale of beer may continue, curbside delivery and sale of beer shall be prohibited after 10:00 p.m., as provided in Amendment 3 of Order 9 of the Chief Medical Director issued on July 31, 2020. This Section shall expire upon the expiration of Amendment 3 of Order 9 of the Chief Medical Director or any related subsequently enacted Chief Medical Director's Order, whichever is later.
13. This Emergency Regulation is limited to "beer" as defined in M.C.L. 7.08.010.
14. The staff of the Beer Board may immediately revoke the permission granted in Section 5, without prior notice or a hearing, upon filing of a report by a Beer Board Inspector alleging that the Permittee has made a sale to a minor or sale to an intoxicated person.
15. During the period of this Emergency Regulation, Beer Board Regulation 3.04 shall be deleted in its entirety and replaced as follows, "Beer shall not be sold through any drive-through or delivery window by any retail establishment possessing an on-premises or off-premises beer sale permit."

_____ July 31, 2020

Brian Taylor

Chairman of the Metropolitan Beer Permit Board